

REMARKS

Claims 1-44 are pending in the application. Claims 25-40 have been withdrawn from consideration. Claims 1-24 and 41-44 have been rejected. Claims 1, 21, 41 and 43 have been amended. Support for these amendments can be found in the Specification on page 4, lines 13-15.

Applicant respectfully requests reconsideration of the present application and withdrawal of the rejections in light of the following remarks.

35 USC §121 Restriction Requirement:

The Examiner required restriction between the claims in Group I (claims 1-24 and 41-44) and Group II (claims 25-40). The Applicant hereby affirms his election of the claims in Group I (claims 1-24 and 41-44).

35 USC §102(b) Rejections:

A. Claims 1-11, 21, 23, 41 and 43 have been rejected under 35 U.S.C. §102(b) as being anticipated by MacGregor et al. (US 4,846,504). The label of MacGregor is disclosed as containing an outer, water-removable label, an intermediate promotional label, and a lower base label permanently adhered to the container. Regarding claims 1, 9, 41 and 43, the Examiner contends that MacGregor teaches the promotional label is formed of water-resistant material, and the peeling force of the removable adhesive covering the promotional label is approximately 0.7 lbs/in or 0.9 lbs/in, which reads on the instantly claimed range of at least about 0.25 N/25mm at a test plate temperature of 5°C.

Applicant respectfully disagrees with the Examiner's contentions. The Moist Loop Test measurement measures the adhesive strength of the removable adhesive at very low test plate temperatures, e.g. 5°C, to simulate moisture condensation conditions. (Page 3, lines 26-33 and Page 4, lines 1-5) Whereas, the peel force is a measurement of the amount of force needed to remove the adhesive at standard conditions, e.g. 25°C. Therefore, the peeling force of the removable adhesive of MacGregor is not comparable to Applicant's Moist Loop Test results. The removable adhesive of the present invention provides

resealing capabilities on packages stored at low temperatures and under moist conditions, particularly for packages stored in refrigerators and freezers. Whereas, the outer label 24 of MacGregor is removed by the application of water. (Col. 4, lines 51-53) The outer adhesive of MacGregor would not be resealable, much less under moisture condensation conditions. The promotional label is secured to the base label by a non-tacky adhesive. (Col. 3, lines 19-22 and Col. 4, lines 17-24) Therefore, the promotional label would not be resealable either. The base label is secured to the container with a permanent adhesive. (Col. 3, lines 18-19) Accordingly, MacGregor does not anticipate the adhesive article claimed in claim 1. Since claims 2-11 depend from claim 1, Applicants respectfully submit that these claims are also not anticipated by the teachings of MacGregor.

Claims 41 and 43 both disclose a removable adhesive having a Moist Loop Test result of at least about 0.25 N/25mm at a test plate temperature of 5°C. As stated above, the peeling force of the removable adhesive of MacGregor is not comparable to Applicant's Moist Loop Test results. Accordingly, MacGregor does not anticipate the adhesive article claimed in claims 41 and 43.

Regarding claims 21 and 23, the Examiner presumes that the cohesive strength limitation is inherent within MacGregor. Applicant respectfully disagrees. As stated above, the removable adhesive of the present invention provides resealing capabilities on packages stored at low temperatures and under moist conditions, particularly for packages stored in refrigerators and freezers. Whereas, MacGregor teaches a label assembly wherein a removable adhesive layer is dissolved by water (Col. 4, lines 48-53); a promotional label is secured to the base label by a non-tacky adhesive (Col. 3, lines 19-22 and Col. 4, lines 17-24); and the base label is secured to the container with a permanent adhesive (Col. 3, lines 18-19). Therefore, the cohesive strength properties would not be inherent, particularly when MacGregor does not teach the same adhesive and label as claimed in claims 21 and 23.

Withdrawal of the rejection of Applicants' claims 1-11, 21, 23, 41 and 43 as anticipated by MacGregor is believed to be warranted and is respectfully requested.

B. Claims 1-3, 8-11, 18-24 and 41-44 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sorensen et al. (US 4,771,891). The Examiner contends that Sorensen teaches the adhesive to be acrylic-based, rubber-based or hot melt pressure sensitive and that it has a peeling force of approximately 0.7 lbs/in and 0.9 lbs/in, which reads on the instantly claimed range of at least about 0.25 N/25mm at a test plate temperature of 5°C.

Applicant respectfully disagrees with the Examiner's contentions. As stated above, the Moist Loop Test measurement measures the adhesive strength of the removable adhesive at very low test plate temperatures, e.g. 5°C, to simulate moisture condensation conditions. (Page 3, lines 26-33 and Page 4, lines 1-5) Whereas, the peel force is a measurement of the amount of force needed to remove the adhesive at standard conditions, e.g. 25°C. Therefore, the peeling force of the resealable adhesive of Sorensen is not comparable to Applicant's Moist Loop Test results. The removable adhesive of the present invention provides resealing capabilities on packages stored at low temperatures and under moist conditions, particularly for packages stored in refrigerators and freezers. Furthermore, as the Examiner acknowledges, Sorensen does not disclose a moisture resistant substrate. Accordingly, Sorensen does not anticipate the adhesive article claimed in claim 1. Since claims 2-3, 8-11, 18-20 depend from claim 1, Applicants respectfully submit that these claims are also not anticipated by the teachings of Sorensen.

Claims 41-44 disclose a removable adhesive having a Moist Loop Test result of at least about 0.25 N/25mm at a test plate temperature of 5°C. As stated above, the peeling force of the adhesive of Sorensen is not comparable to Applicant's Moist Loop Test results. Accordingly, Sorensen does not anticipate the adhesive article claimed in claims 41-44.

Regarding claims 21-24, the Examiner presumes that the cohesive strength limitation is inherent within Sorensen. Applicant respectfully disagrees.

As stated above, the removable adhesive of the present invention provides resealing capabilities on packages stored at low temperatures and under moist conditions, particularly for packages stored in refrigerators and freezers. Whereas, Sorensen teaches a label wherein an adhesive layer fully covers the upper end of the label, adhering it to the flap of a box and a light patterned coverage of adhesive covers the remainder of the label, allowing the flap of the box to be opened and resealed. (Col. 4, lines 2-20). Further, there is no teaching within Sorensen of an adhesive label being resealable under moisture condensation conditions. Therefore, the cohesive strength properties would not be inherent, particularly when Sorensen does not teach the same adhesive and label as claimed in claims 21 and 23.

Withdrawal of the rejection of Applicants' claims 1-3, 8-11, 18-24, and 41-44 as anticipated by Sorensen is believed to be warranted and is respectfully requested.

35 USC §103(a) Rejections:

A. Claims 12-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sorensen et al. and further in view of Cameron et al. (US 6,025,071). The Examiner contends that Cameron teaches an article having a removable hot melt pressure sensitive adhesive comprising a mixture of styrene-isoprene-styrene triblock and diblock copolymers, and at least one tackifying resin, such as terpene and rosin. Therefore, the Examiner contends that it would have been obvious to one of ordinary skill in the art to have employed the adhesive taught by Cameron in the adhesive composition of Sorensen, because Cameron discloses that the use of this adhesive composition would have resulted in excellent anchorage of the adhesive to the substrate, excellent quick tack and stain resistance, while retaining a low viscosity and low ultimate peel adhesion.

Applicant respectfully disagrees with the Examiner's contentions. As stated above, there is no teaching or suggestion within Sorensen of an adhesive label being resealable under moisture condensation conditions as measured by a

Moist Loop Test result of at least about 0.25 N/25mm at a test plate temperature of 5°C. Further, Cameron does not correct the deficiencies of Sorensen, i.e., the addition of the hot melt pressure sensitive adhesive comprising a mixture of styrene-isoprene-styrene triblock and diblock copolymers disclosed in Cameron would not produce Applicant's claimed adhesive article.

Accordingly, Applicants' respectfully request withdrawal of the rejection of claims 12-17 under 35 U.S.C. §103(a).

B. Claims 4-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sorensen et al. and further in view of MacGregor. The Examiner contends that MacGregor teaches paper coated with varnish, or plastic films, such as polystyrene, polypropylene or polyethylene. Therefore, the Examiner contends that it would have been obvious to one of ordinary skill in the art to have employed the substrate as a plastic film comprising polystyrene, polypropylene or polyethylene as taught by MacGregor, in the adhesive article of Sorensen, which would give the same results because MacGregor discloses that the adhesive could be used on a paper coated with varnish or plastic films.

Applicant respectfully disagrees with the Examiner's contentions. As stated above, there is no teaching or suggestion within Sorensen of an adhesive label being resealable under moisture condensation conditions as measured by a Moist Loop Test result of at least about 0.25 N/25mm at a test plate temperature of 5°C. Further, MacGregor does not correct the deficiencies of Sorensen, i.e., the addition of the substrate as a plastic film comprising polystyrene, polypropylene or polyethylene as disclosed in MacGregor would not produce Applicant's claimed adhesive article.

Accordingly, Applicants' respectfully request withdrawal of the rejection of claims 4-7 under 35 U.S.C. §103(a).

In view of the foregoing, Applicants' respectfully request reconsideration and a timely issuance of a notice of allowance for claims 1-24 and 41-44.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. AVERP3447USA.

Respectfully submitted,
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